IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 475 of 2007 (M/B)

Sumit Pal Singh s/o Ranbir Singh
R/o 363, Janakpuri, Bareilly, U.P. …. Petitioner

Versus

1. State of Uttarakhand
2. Smt. Jasmeet Kaur w/o Sri Sumit Pal Singh
   d/o Sri Gurvinder Singh,
   R/o R.R. Quarter, 32 Rudrapur,
   Rudrapur, Duham Singh Nagar ….. Respondents

Smt. M.S. Pal Senior Counsel with Sri V.S.Pal, Advocate for the petitioner.
Sri G.S.Sandhu, Government Advocate for respondent 1 .
Sri Vipul Sharma, Advocate for respondent no.2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri M.S. Pal, Senior Counsel writ Sri V.S.Pal, Advocate for the petitioner.

Sri G.S.Sandhu, Government Advocate for respondent no.1.

Sri Vipul Sharma, Advocate for respondent no. 2.

They are heard on admission.

2. Petitioner Sumit Pal Singh has filed this writ petition for the following reliefs:

> "(a) To issue a writ, order or direction in the nature of certiorari for quashing the First Information Report dated 29.03.2007(Annexure- 1) in case Crime No. 1962 of 2007 under sections 498A, 324, 504, 506, 452 I.P.C. and ¾ D.P.Act, P.S.Rudrapur, District Udham Singh Nagar lodged by the respondent 2.
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> (b) To Issue writ, order or direction in the nature of mandamus directing the respondents not to give the effect of F.I.R. dated 29.03.2007 (Annexure 1) lodged by the respondent 2 in P.S. Rudrapur, District Udham Singh Nagar.

(c) To issue any other writ, order, or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(d) To award the cost of the writ petition in favour of petitioner."

3. The petitioner is apprehending his arrest his for his alleged involvement in Crime No. 1962 of 2007 registered at Police Station Ruprapur, District Udham Singh Nagar for the alleged commission of the offences punishable U/Ss 324, 452, 498A, 504 and 506 I.P.C. and Section ¾ of the Dowry Prohibition Act.

4. On due consideration of the submissions of the learned counsel for the parties; the specific allegations against the petitioner in the First Information Report lodged by respondent no. 2 Smt. Jasmeet Kaur, we are of the opinion that it is not a fit case for grant of the reliefs sought by the petitioner in the writ petition.

5. The Writ petition, therefore, is liable to be dismissed.

6. We, however, deem it proper to direct that in the event of arrest of the petitioner by the police or his surrender before the Court concerned, his bail petition shall be taken up for hearing in accordance with law without any undue delay.

7. With the above direction, the writ petition stands disposed of.

(J.C.S.Rawat, J.) **(Rajeev Gupta, C. J.)**

01.05.2007 01.05.2007

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